

REMARKS

Reconsideration of the present application as amended is respectfully requested. Claim 2 has been amended. Claims 1-36 and 38-71 are currently pending.

The Office Action indicates that claims 1, 9, 17-36, and 38-71 are allowed. The Office Action further indicates that claims 5-8 and 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claim. Applicant wishes to thank the Examiner for the indication of the allowability of claims 1, 9, 17-36, and 38-71, and the indication of allowable subject matter with respect to claims 5-8 and 10-16.

Claims 2, 3/2, and 4/2 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,629,948 to Hagiwara et al. ("Hagiwara"). Regarding claim 2, the Office Action asserts that Hagiwara teaches "a method for rapid rate detection in a packet communication environment wherein in the prior art of Fig. 1 is disclosed a first unit having a first address (ARQ transmitter 2, col. 1, line 18), a second unit having a second address (ARQ receiver 4), a third unit having a third address (transmission side data terminal 1, col. 1, line 17)." Figure 1 of Hagiwara describes a conventional ARQ data transmission system in which a transmission side data terminal 1 outputs bit streams of transmission data to an ARQ transmitter 2, and the ARQ transmitter 2 subsequently transmits ARQ frames toward an ARQ receiver 4.

The Office Action acknowledges that Hagiwara does not specifically disclose "in a single embodiment wherein the first unit is operable to transmit a first packet including a first length indicator toward the second unit, and wherein at least one of the second unit is operable to receive the first packet and then is operable to upon receipt of the first packet transmits a second packet including a second packet including a second length indicator, as in claim 1." The Office Action asserts that "Hagiwara discloses in the embodiment shown in Fig. 6A wherein the first unit is operable to transmit a first packet including a first length indicator toward the second unit (Transmission frame of length N is set to N=3, column 8, lines 42-43), and wherein at least one of the second unit is operable to receive the first packet and then is operable to upon receipt of the first packet transmits a second packet including a second length indicator (for instance and ARQ return packet upon receipt of the transmission frame and determination that no error has

been received, an ACK message accompanied by the block number of the correctly received block, therefore block number will determine length, will be sent to the transmission side, col. 8, lines 24-27 and 53-55)." The cited portion of Hagiwara describes an exemplary case in which a each of a transmission frame length and a re-transmission frame length are set to 3 blocks. Hagiwara further describes division of transmission data into a number of a sections of identical length and attaching an error detection code to each section to form a transmission block. Hagiwara further describes that ARQ control data is attached to the group of blocks to form the transmission frame. The ARQ control data is described by Hagiwara as including data used to distinguish a transmission and a retransmission, and data indicating a top block number within the transmission frame.

Independent claim 2 has been amended to include the features of "wherein the first length indicator relates to a length of the first packet and the second length indicator relates to a length of the second packet, and wherein the timing of the transmission of the second packet is based on data of the first length indicator." Similar features are found in independent claim 1 which has been indicated in the Office Action as allowable. Applicant respectfully submits that Hagiwara fails to teach or suggest at least these features of independent claim 2. Applicant respectfully submits that independent claim 2 distinguishes over Hagiwara and requests that the 35 U.S.C. 103(a) rejection of independent claim 2 be withdrawn.

Claims 3 and 4 are dependent upon and include the features of independent claims 1 or 2. For at least the reasons as discussed with respect to independent claim 2, Applicant respectfully submits that claims 3 and 4 also distinguish over Hagiwara and requests that the 35 U.S.C. 103(a) rejection of claims 3 and 4 be withdrawn.

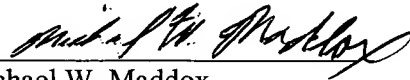
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In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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